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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

In re A.S., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.S.,

Defendant and Appellant.

A154969

(San Francisco County  
Super. Ct. No. JW146320)

MEMORANDUM OPINION\*

A.S. (the minor) is a ward of the court (Welf. & Inst. Code, § 602) and has sustained offenses for second degree robbery (Pen. Code § 211);<sup>1</sup> grand theft (§ 487, subd. (a)); assault by force likely to cause great bodily injury (§ 245, subd. (a)(4)); second degree burglary (§ 459); and possession of a weapon on school grounds (§ 626.10, subd. (a)).

A June 2018 subsequent wardship petition alleged the minor committed second degree robbery (§ 211) and false imprisonment (§ 236). The court held a jurisdictional hearing and sustained the second degree robbery allegation. In July 2018, the juvenile

\* We resolve this case by a memorandum opinion pursuant to California Standards of Judicial Administration, section 8.1(1), (3).

<sup>1</sup> Undesignated statutory references are to the Penal Code.

court continued the minor as a ward of the court, ordered out-of-home placement, and set the maximum period of confinement at 8 years, 8 months. The court did not calculate custody credits.

The minor appeals from the July 2018 dispositional order. He argues—and the People concede—the court’s calculation of the maximum term of confinement was incorrect. The parties agree the minor’s maximum term of confinement should be 7 years, 8 months, comprised of the following:

Second degree robbery (§ 211)—5 years;

Grand theft (§ 487, subd. (a))—8 months;

Assault by force likely to cause great bodily injury (§ 245, subd. (a)(4))—1 year;

Second degree burglary (§ 459)—8 months; and

Possession of a weapon on school grounds (§ 626.10, subd. (a))—4 months.

When a minor is removed from parental physical custody because of a criminal violation sustained under Welfare and Institutions Code section 602, the court must specify the maximum term of confinement. (Welf. & Inst. Code, § 726, subd. (d)(1); *In re Matthew A.* (2008) 165 Cal.App.4th 537, 541.) Where, as here, the court aggregates the period of confinement on present and past sustained offenses, the maximum term of confinement is the aggregate term of imprisonment that could be imposed upon an adult convicted of the same offenses. (*In re Eric J.* (1979) 25 Cal.3d 522, 537–538.) The court must also calculate credit for predisposition time spent in custody and subtract the credit from the maximum confinement calculation. (*In re J.M.* (2009) 170 Cal.App.4th 1253, 1256.)

The maximum term of confinement is stricken and the matter is remanded to the juvenile court to state the correct maximum term of A.S.’s confinement, taking into account custody credits to which he may be entitled.

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Jones, P.J.

WE CONCUR:

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Needham, J.

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Burns, J.

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